

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

GAARIES WILLIAMS §
TDCJ-CID #1428755 §
V. § C.A. NO. C-07-209
§
NUECES COUNTY, ET AL. §

ORDER SUBSTITUTING PARTIES

Plaintiff is an inmate in the Texas Department of Criminal Justice, Criminal Institutions Division, and is currently incarcerated at the Lopez Unit in Edinberg, Texas. He filed this lawsuit on May 4, 2007, alleging that, while he was held at the Nueces County Jail awaiting transfer to a TDCJ facility, he was denied proper medical care in deliberate indifference to his serious medical needs. In particular, plaintiff claims that between January 9, 2007, through April 29, 2007, he was denied medication for his diabetes, Hepatitis C, and Post Traumatic Stress Disorder. He claims that, because he was denied the proper medications, he suffered pain and his overall health deteriorated. He is now seeking compensatory and punitive damages.¹

In his original complaint, plaintiff named the following defendants: Nueces County Sheriff's Department: Spohn Hospital; and Dr. John Doe. A Spears² hearing was held on

¹ Plaintiff originally sought injunctive relief in the form of a transfer from the Nueces County Jail. He was transferred from the Jail on April 29, 2007, rendering his injunctive claims moot. See Edwards v. Johnson, 209 F.3d 772, 776 (5th Cir. 2000) (request for injunctive relief becomes moot when inmate leaves the complained-of facility). At the August 8, 2007 evidentiary hearing, plaintiff orally moved to amend his complaint to seek monetary damages, and his motion was granted.

²Spears v. McCotter, 766 F.2d 179 (5th Cir. 1985); see also Eason v. Holt, 73 F.3d 600, 603 (5th Cir. 1996) (stating that testimony given at a Spears hearing is incorporated into the

August 8, 2007. Plaintiff testified that, prior to his incarceration, he was taking Avandia for his diabetes, and Seroquel, an anti-psychotic medication, to treat his bipolar disorder. Once he entered the Jail, however, he was given no medication for his diabetes, and he was prescribed Trazodone, an antidepressant, for his mental health problems. During his four months stay at the Jail, plaintiff's diabetes was never monitored. He experienced numbness in his hands. When he left the Jail, his blood sugar was over 600. He must now take insulin shots three times a day. In addition, he lost over 35 pounds.

Plaintiff complained in Jail grievances that the Trazodone he had been prescribed was not working and that the Seroquel worked better for him. He complained of crying spells, and of not being able to sleep. His requests for a change in medication were denied. Plaintiff also requested Interferon Alpha LA therapy to treat his Hepatitis C, but this request was denied. Plaintiff testified that his Hepatitis C caused him to experience fatigue and weakness.

At the hearing, plaintiff acknowledged that the Jail is a department of Nueces County, and not a separate entity, and moved to substitute Nueces County as the proper defendant in place of the Sheriff's Department. See Darby v. Pasadena Police Dept., 939 F.2d 311, 313 (5th Cir. 1991 (municipal department is not a separate corporate entity capable of being sued). Accordingly, Nueces County is hereby substituted as the proper party, in place of the Nueces County Sheriff's Department.

pleadings).

In addition, plaintiff was able to identify the Jail infirmary doctor as Dr. William Flores. Accordingly, Dr. William Flores is hereby substituted in for Dr. John Doe in plaintiff's original complaint.

The Clerk of the Court is instructed to correct the style of the case to reflect the defendants as Nueces County and Dr. William Flores.

Ordered this 10th day of August, 2007.



B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE